

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NOS. C-140665
		C-140666
Plaintiff-Appellee,	:	TRIAL NOS. B-1402574
		B-1401489
vs.	:	
		<i>JUDGMENT ENTRY.</i>
ELMER GRIFFITH,	:	
Defendant-Appellant.	:	

We consider these appeals on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Elmer Griffith was charged with breaking and entering, possessing criminal tools, and receiving stolen property in the case numbered B-1402574. Six months later, while Griffith was awaiting trial, he was arrested and charged with burglary and two counts of receiving stolen property in the case numbered B-1401489. The trial court consolidated the cases, and Griffith pleaded guilty to breaking and entering, burglary, and one count of receiving stolen property, in exchange for the state dismissing the other charges. The trial court sentenced Griffith to the agreed sentence of an aggregate four-year prison term. Griffith now appeals, asserting two assignments of error.

In his first assignment of error, Griffith contends that the trial court erred in accepting his guilty pleas because they were not made knowingly, intelligently, and voluntarily. After reviewing the record, including the thorough Crim.R. 11 plea colloquy, we conclude that Griffith's guilty pleas were knowingly, intelligently, and voluntarily made. *See* Crim.R. 11(C). Therefore, we overrule the first assignment of error.

In his second assignment of error, Griffith contends that he was denied the effective assistance of counsel when his trial counsel failed to move the court to withdraw the guilty plea. In the context of a guilty plea, a claim for ineffective assistance of counsel is sustained when a defendant shows that his trial counsel's performance was deficient, and that but for counsel's deficient performance, "there is a reasonable probability that he would not have pleaded guilty and insisted on going to trial." *State v. Curless*, 1st Dist. Hamilton No. C-130204, 2014-Ohio-1493, ¶ 3, citing *Hill v. Lockhart*, 474 U.S. 52, 59, 106 S.Ct. 366, 88 L.Ed.2d 203 (1985); *Strickland v. Washington*, 466 U.S. 688, 687, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). Here, Griffith has demonstrated neither prong to establish a claim for ineffective assistance of counsel. Accordingly, Griffith's second assignment of error is overruled, and the judgment of the trial court is affirmed.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., FISCHER and DEWINE, JJ.

To the clerk:

Enter upon the journal of the court on July 17, 2015
per order of the court _____.
Presiding Judge